

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hereby application of:

FISCHER *et al.*

Appl. No.: 10/567,788 (U.S.Natl. Phase
of PCT/EP2004/008638)

Intl. Filing Date: August 2, 2004

For: **4-Biphenyl-Substituted
Pyrazolidin-3,5-Dione Derivatives**

Confirmation No. 2694

Art Unit: 1616

Examiner: *To Be Assigned*

Atty. Docket: 2400.0210000/JMC/CMB

Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP46** and **NPL1** to **NPL10** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, documents **US1** to **US15**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

Documents **FP36**, **FP43**, and **FP45** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. A copy of the search report is submitted as document **NPL10**.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents **FP1** to **FP13**, **FP15** to **FP17**, **FP19** to **FP20**, **FP22**, **FP28** to **FP34**, **FP37** to **FP38**, **FP40**, and **FP42** cited on Form PTO/SB/08A and documents **NPL1**, **NPL3**, and **NPL5** cited on Form PTO/SB/08B:

Document **FP1**, DE 1 945 703, is in a foreign language. It is believed that Document **US1**, US 3,542,809, is an English language equivalent to document FP1.

Document **FP2**, DE 2 218 097, is in a foreign language. It is believed that Document **US3**, US 4,021,224, is an English language equivalent to document FP2.

Document **FP3**, DE 2 350 547, is in a foreign language. It is believed that Document **US2**, US 3,989,503, is an English language equivalent to document FP3.

Document **FP4**, EP 0 086 750 A2, is in a foreign language. It is believed that Document **US4**, US 4,623,727, is an English language equivalent to document FP4.

Document **FP5**, EP 0 094 349 A2, is in a foreign language. It is believed that Document **US8**, US 4,902,340, is an English language equivalent to document FP5.

Document **FP6**, EP 0 174 562 A2, is in a foreign language. It is believed that Document **US5**, US 4,639,266, is an English language equivalent to document FP6.

Document **FP7**, EP 0 191 736 A2, is in a foreign language. It is believed that Document **US6**, US 4,881,966, is an English language equivalent to document FP7.

Document **FP8**, EP 0 269 806 A1, is in a foreign language. It is believed that Document **US7**, US 4,891,057, is an English language equivalent to document FP8.

Document **FP9**, EP 0 333 131 A1, is in a foreign language. It is believed that Document **US12**, US 5,401,700, is an English language equivalent to document FP9.

Document **FP10**, EP 0 346 620 A1, is in a foreign language. An English language abstract of document FP10 is attached as document **NPL11**.

Document **FP11**, WO 91/07874 A1, is in a foreign language. An English language abstract of document FP11 can be found on the face page of the patent.

Document **FP12**, WO 91/08202 A1, is in a foreign language. An English language abstract of document FP12 can be found on the face page of the patent.

Document **FP13**, EP 0 492 366 A2, is in a foreign language. It is believed that Document **US11**, US 5,380,852, is an English language equivalent to document FP13.

Document **FP15**, EP 0 508 126 A1, is in a foreign language. It is believed that Document **US10**, US 5,332,720, is an English language equivalent to document FP15.

Document **FP16**, EP 0 528 156 A1, is in a foreign language. It is believed that Document **US9**, US 5,262,383, is an English language equivalent to document FP16.

Document **FP17**, EP 0 582 198 A2, is in a foreign language. It is believed that Document **US13**, US 5,739,079, is an English language equivalent to document FP17.

Document **FP19**, WO 94/29268 A1, is in a foreign language. An English language abstract of document FP19 can be found on the face page of the patent.

Document **FP20**, WO 96/07897 A1, is in a foreign language. An English language abstract of document FP20 can be found on the face page of the patent.

Document **FP22**, WO 96/35664 A1, is in a foreign language. An English language abstract of document FP22 can be found on the face page of the patent.

Document **FP28**, WO 97/01535 A1, is in a foreign language. An English language abstract of document FP28 can be found on the face page of the patent.

Document **FP29**, WO 97/02243 A1, is in a foreign language. An English language abstract of document FP29 can be found on the face page of the patent.

Document **FP30**, WO 97/36868 A1, is in a foreign language. An English language abstract of document FP30 can be found on the face page of the patent.

Document **FP31**, DE 196 21 522 A1, is in a foreign language. It is believed that Document **US14**, US 6,235,680, is an English language equivalent to document FP31.

Document **FP32**, WO 98/05638 A2, is in a foreign language. An English language abstract of document FP32 can be found on the face page of the patent.

Document **FP34**, WO 99/43649 A1, is in a foreign language. An English language abstract of document FP34 can be found on the face page of the patent.

Document **FP37**, WO 99/55673 A1, is in a foreign language. An English language abstract of document FP37 can be found on the face page of the patent.

Document **FP38**, WO 99/66795 A1, is in a foreign language. An English language abstract of document FP38 can be found on the face page of the patent.

Document **FP40**, WO 01/17352 A1, is in a foreign language. An English language abstract of document FP40 can be found on the face page of the patent.

Document **FP42**, WO 01/17972 A2, is in a foreign language. An English language abstract of document FP42 can be found on the face page of the patent.

Document, **NPL1**, Askani, R., "Reaction of 1,3-cyclohexadiene with azodicarboxylic acid diethyl ester," *Chem. Berichte* 98:2551-2555, Verlag Chemie (1965), is in a foreign language. An English language abstract of document NPL1 is attached as document **NPL2**.

Document **NPL3**, Dannenberg, H. and Dannenberg-Von Dresler, D., "Synthesis of steranthrenes. III. 3,4-Aceperinaphthane and 6,7-aceperinaphthane," *Ann. Chem.* 585:1-15, Wienheim Verlag Chemie (1954), is in a foreign language. An English language abstract of document NPL3 is attached as document **NPL4**.

Document **NPL5**, Diels, O., *et al.*, "The endo-methylenepiperidazine resulting from cyclopentadiene and azo ester and its transformation diaminocyclopentane," *Ann. Chem.* 443:242-262, (1925), is in a foreign language. An English language abstract of document NPL5 is attached as document **NPL6**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
Registration No. 47,438

Date: Feb. 16, 2007

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Application Number	10/567,788 (Nat'l. Phase of PCT/EP2004/008638)	
				Intl. Filing Date	August 2, 2004	
				First Named Inventor	FISCHER, Reiner	
				Art Unit	1616	
Examiner Name				To Be Assigned		
Attorney Docket Number				2400.0210000/JMC/CMB		
Sheet	1	of	3			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US1	3,542,809	11/24/1970	Nakanishi, Susumu	
	US2	3,989,503	11/02/1976	Pallos <i>et al.</i>	
	US3	4,021,224	05/03/1977	Pallos <i>et al.</i>	
	US4	4,623,727	11/18/1986	Hubele	
	US5	4,639,266	01/27/1987	Heubach <i>et al.</i>	
	US6	4,881,966	11/21/1989	Nyffeler <i>et al.</i>	
	US7	4,891,057	01/02/1990	Sohn <i>et al.</i>	
	US8	4,902,340	02/20/1990	Hubele	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP1	DE 1 945 703	07/02/1970	Chas. Pfizer & Co. Inc.		
	FP2	DE 2 218 097	11/02/1972	Stauffer Chemical Co.		
	FP3	DE 2 350 547	04/25/1974	Stauffer Chemical Co.		
	FP4	EP 0 086 750 A2	08/24/1983	Ciba-Geigy AG		
	FP5	EP 0 094 349 A2	11/16/1983	Ciba-Geigy AG		
	FP6	EP 0 174 562 A2	03/19/1986	Hoechst Aktiengesellschaft		
	FP7	EP 0 191 736 A2	08/20/1986	Ciba-Geigy AG		
	FP8	EP 0 269 806 A1	06/08/1988	Hoechst Aktiengesellschaft		
	FP9	EP 0 333 131 A1	09/20/1989	Hoechst Aktiengesellschaft		
	FP10	EP 0 346 620 A1	12/20/1989	Hoechst Aktiengesellschaft		Abs
	FP11	WO 91/07874 A1	06/13/1991	Hoechst Aktiengesellschaft		Abs
	FP12	WO 91/08202 A1	06/13/1991	Hoechst Aktiengesellschaft		Abs
	FP13	EP 0 492 366 A2	07/01/1992	Hoechst Aktiengesellschaft		
	FP14	WO 92/16510 A1	10/01/1992	Ciba-Geigy AG		
	FP15	EP 0 508 126 A1	10/14/1992	Bayer AG		
	FP16	EP 0 528 156 A1	02/24/1993	Bayer AG		
	FP17	EP 0 582 198 A2	02/09/1994	Hoechst Aktiengesellschaft		
	FP18	EP 0 613 618 A1	09/07/1994	American Cyanamid Co.		
	FP19	WO 94/29268 A1	12/22/1994	Bayer Aktiengesellschaft		Abs
	FP20	WO 95/07897 A1	03/23/1995	Hoechst Schering AgrEvo GmbH		Abs

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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Sheet	2	of	3	Attorney Docket Number	2400.0210000/JMC/CMB

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		Number-Kind Code ² (if known)			
	US9	5,262,383	11/16/1993	Fischer <i>et al.</i>	
	US10	5,332,720	07/26/1994	Kruger <i>et al.</i>	
	US11	5,380,852	01/10/1995	Schutze <i>et al.</i>	
	US12	5,401,700	03/28/1995	Sohn <i>et al.</i>	
	US13	5,739,079	04/14/1998	Holdgrun <i>et al.</i>	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	FP21	WO 96/21652 A1	07/18/1996	Ciba-Geigy AG		
	FP22	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft		Abs
	FP23	WO 96/36229 A1	11/21/1996	E.I. Du Pont De Nemours and Company		
	FP24	WO 96/36615 A1	11/21/1996	E.I. Du Pont De Nemours and Company		
	FP25	WO 96/36616 A1	11/21/1996	E.I. Du Pont De Nemours and Company		
	FP26	WO 96/36633 A1	11/21/1996	E.I. Du Pont De Nemours and Company		
	FP27	WO 96/37494 A1	11/28/1996	Zeneca Limited		
	FP28	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft		Abs
	FP29	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft		Abs
	FP30	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft		Abs
	FP31	DE 196 21 522 A1	12/04/1997	Hoechst Schering AgrEvo GmbH		
	FP32	WO 98/05638 A2	02/12/1998	Bayer Aktiengesellschaft		Abs
	FP33	WO 98/25923 A1	06/18/1998	Zeneca Limited		
	FP34	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft		Abs
	FP35	WO 99/47525 A1	09/23/1999	Novartis AG; Novartis- Erfindungen Verwaltungsgesellschaft mbh		

Examiner Signature		Date Considered	
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U.S. PATENT DOCUMENTS					
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		Number-Kind Code ² (if known)			
	US14	6,235,680 B1	05/22/2001	Ziemer <i>et al.</i>	
	US15	6,251,827 B1	06/26/2001	Ziemer <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
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	FP36	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft		ISR
	FP37	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft		Abs
	FP38	WO 99/66795 A1	12/29/1999	Hoechst Schering AgrEvo GmbH		Abs
		WO 01/17351 A1	03/15/2001	Syngenta Participations AG		
	FP39	WO 01/17352 A1	03/15/2001	Syngenta Participations AG		Abs
	FP40	WO 01/17353 A1	03/15/2001	Syngenta Participations AG		
	FP41	WO 01/17972 A2	03/15/2001	Syngenta Participations AG		Abs
	FP42	WO 01/17973 A2	03/15/2001	Syngenta Participations AG		ISR
	FP43	WO 03/028446 A2	04/10/2003	Evotecoi AG		
	FP44	WO 03/045957 A1	06/05/2003	Bayer Cropscience Aktiengesellschaft		ISR
	FP45	WO 03/062244 A1	07/31/2003	Syngenta Participations AG		
	FP46					

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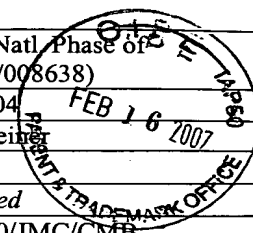
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/567,788 (Nat'l Phase of PCT/EP2004/008638)
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Askani, R., "Reaction of 1,3-cyclohexadiene with azodicarboxylic acid diethyl ester," <i>Chem. Berichte</i> 98:2551-2555, Verlag Chemie (1965)	Abs
	NPL2	STNEasy Database, Accession No. 1965:463065, English language abstract for Askani, R., "Reaction of 1,3-cyclohexadiene with azodicarboxylic acid diethyl ester," <i>Chem. Berichte</i> 98:2551-2555, Verlag Chemie (1965)	
	NPL3	Dannenberg, H. and Dannenberg-Von Dresler, D., "Synthesis of steranthrenes. III. 3,4-Aceperinaphthane and 6,7-aceperinaphtane," <i>Ann. Chem.</i> 585:1-15, Wienheim Verlag Chemie (1954)	Abs
	NPL4	STNEasy Database, Accession No. 1955:56638, English language abstract for Dannenberg, H. and Dannenberg-Von Dresler, D., "Synthesis of steranthrenes. III. 3,4-Aceperinaphthane and 6,7-aceperinaphtane," <i>Ann. Chem.</i> 585:1-15, Wienheim Verlag Chemie (1954)	
	NPL5	Diels, O., <i>et al.</i> , "The endo-methylenepiperidazine resulting from cyclopentadiene and azo ester and its transformation diaminocyclopentane," <i>Ann. Chem.</i> 443:242-262, (1925)	Abs
	NPL6	STNEasy Database, Accession No. 1925:19216, English language abstract for Diels, O., <i>et al.</i> , "The endo-methylenepiperidazine resulting from cyclopentadiene and azo ester and its transformation diaminocyclopentane," <i>Ann. Chem.</i> 443:242-262, (1925)	
	NPL7	Sonntag, N.O.V., "The Reactions of Aliphatic Acid Chlorides," <i>Chem. Rev.</i> 52: 237-416, American Chemical Reviews (1953)	
	NPL8	Beilstein Database, Beilstein Registry No. 4957401, "ethyl 2-propylcarbazate," (entry date 1992)	
	NPL9	Beilstein Database, Beilstein Registry No. 4968273, "ethyl 2,3-propylcarbazate," (entry date 1992)	
	NPL10	International Search Report for International Patent Application No. PCT/EP2004/008638, mailed February 7, 2005, European Patent Office, The Netherlands	

Examiner Signature		Date Considered	
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				Application Number	10/567,788 (Nat'l. Phase of PCT/EP2004/008638)
				Intl. Filing Date	August 2, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	1616
				Examiner Name	To Be Assigned
Sheet	2	of	2	Attorney Docket Number	2400.0210000/JMC/CMB

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL11	Esp@cenet Database, English language for EP 0 346 620 (listed on accompanying PTO/SB/08A as document FP10)	

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